

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:11cv141**

**TAMMY BRYAN**

**Plaintiff,**

**v.**

**KATHY J. BRYAN, formerly known as  
Kathy J. Chidnese,**

**Defendant.**

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**ORDER**

Defendant removed this case from Superior Court of Buncombe County on June 10, 2011, based on 28 U.S.C. § 1332 and 28 U.S.C. § 1441. Generally, a notice of removal must be filed within thirty days of the defendant's receipt of a copy of the initial pleading. 28 U.S.C. § 1446(b). If the case as initially plead by the plaintiff is not removable, the defendant must file his or her notice of removal within thirty days of receipt of the pleading, motion, order, or other document from which the defendant can first determine that the case is one which is removable. Id. A defendant, however, may not remove a case on the basis of diversity jurisdiction pursuant to Section 1332 "more than 1 year after commencement of the action." Id. A review of the Complaint attached to the Notice of Removal filed by Defendant reveals that Plaintiff commenced this action on July 10, 2009. Accordingly, the Court **DIRECTS** Defendant to **SHOW CAUSE** in writing by June 20, 2011, why the Court should not

file a Memorandum and Recommendation recommending the remand this case.

Signed: June 14, 2011

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

